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9 Attorneys for Federal Defendants

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12 WESTERN DIVISION

13 EMILIO ESTRADA,

14 Plaintiff,

15 v.

16 UNITED STATES OF AMERICA,
17 AND DOES 1 TO 100,
INCLUSIVE,

18 Defendants.

) No. CV 11-04331 R (PJWx)

) ORDER DISMISSING ACTION

19
20 The Motion to Dismiss filed by Defendant, United States of America, came
21 on for hearing on July 18, 2011. Plaintiff filed no opposition to the Motion and
22 made no appearance at the hearing. Defendant was represented by AUSA Joanne
23 Osinoff. The Court, having considered the pleadings, evidence presented,
24 memorandum of points and authorities and the oral argument at the time of the
25 hearing,

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1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

2 1. Plaintiff's claims against the United States are subject to the Federal
3 Tort Claims Act ("FTCA"), 28 U.S.C. §§1346(b), 2671 et seq.;

4 2. Plaintiff has failed to file an administrative tort claim, and thus, failed
5 to exhaust administrative remedies as required by the FTCA, 28 U.S.C. §2675(a);

6 3. Accordingly, this Court lacks subject matter jurisdiction and Plaintiff's
7 Complaint against the United States must be dismissed; and

8 4. Defendant's Motion to Dismiss is GRANTED and plaintiffs' Complaint
9 is hereby DISMISSED in its entirety without prejudice.

10 Dated: July 21, 2011

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13 HONORABLE MANUEL L. REAL
14 UNITED STATES DISTRICT JUDGE

15 PRESENTED BY:

16 ANDRÉ BIROTTE JR.
17 United States Attorney
18 LEON W. WEIDMAN
19 Assistant United States Attorney
20 Chief, Civil Division

21 /s/ Joanne S. Osinoff

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23 JOANNE S. OSINOFF
24 Assistant United States Attorney
25 Attorneys for Defendant
26 United States of America
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